

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 15, 2006

DIVISION TWO

B185919 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B186625 People (Not for Publication)
v.
Barrios

The Court:

The appeal is dismissed

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

B181947 People (Not for Publication)
v.
Maldonado

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

August 15, 2006 (Continued)

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B182098 Ralphs Grocery Company (Not for Publication)
v.
Law Offices of David Drexler and The Law Offices of Philip Kay

The judgment is affirmed. Appellant shall pay costs of appeal

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

| | |
|---------|--|
| B189544 | Children and Family Services v. Laura C. |
| B186910 | Children and Family Services v. Levenya L., et al. |
| B188649 | Children and Family Services v. Yolanda F. |
| B184151 | Grober v. Markel American Insurance Company |

Argument waived, cause submitted.

DIVISION THREE (Continued)

B185827 Mendelson
v.
Mendelson

Merits:
Argued by William Tobin for appellant. Argument waived by the respondent. Cause submitted.

B185954 Andrade
v.
RPD Norwalk, LLC, et al.

Merits:
Argued by Dennis M. Elber for appellant and by Dawn Oster for respondents. Cause submitted.

B185417 Ross, et al.
v.
Dorio

Merits:
Argued by Dennis M. Elber for appellants and by Albert Peacock for respondent. Cause submitted.

Court recessed at 11:10 a.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B188932 Children and Family Services v. Kevin W.
B185271 Peisner v. St. Charles
B188597 Children and Family Services v. Dorothy Y., et al.

Argument waived, cause submitted.

DIVISION THREE (Continued)

B185018 People
 v.
 Jackson, et al.

Merits:
Argued by Edward Haggerty for appellant and by Richard Breen, Deputy Attorney General for respondent. Cause submitted.

B179099 Conney, M.D.
 v.
 The Regents of the University of California

Merits:
Argued by Raymond Cordozo for appellant and by Norman Pine for respondent. Cause submitted.

B185823 Baize, et al.
B188433 v.
 The Eastridge Companies, LLC, et al.

Merits:
Argued by Michael Palumbo for appellants and by Michael M. Hernandez for respondents. Cause submitted.

Court adjourned.

B187811 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Lupe C.,

The order terminating parental rights is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

[illegible]

The clerk of the superior court is directed to prepare a corrected abstract of judgment -- reflecting a three-year sentence on count 1 (§245, subd. (a)(s)), stayed under section 654, a six-year sentence on count 2 (§245, subd. (b)), and a stayed personal gun use enhancement (§12022.5) for count 1 -- and forward a certified copy of the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B181500 People (Not for Publication)
v.
Yi

The judgment is affirmed.

Manella, Acting P.J.

We concur: Suzukawa, J.
 Hastings, J. (Assigned)

B181679 People (Not for Publication)
v.
Lujan

We reverse the judgment on counts 2, 3, 4, 5, 6, 7, and 9, and affirm on counts 1, 8 and 10. The case is remanded for sentencing.

Epstein, P.J.

We concur: Manella, J.
Hastings, J. (Assigned)

DIVISION FOUR (Continued)

B180154 Morrow et al. (Not for Publication)
 v.
 Winkler et al.

We reverse the trial court's determination that appellants' planting rights on the second easement do no include the right to plant trees, bushes, or other permanent vegetation. We affirm the judgment in all other respects. Respondents are to recover their costs on appeal.

Epstein, P.J.

We concur: Manella, J.
 Hastings, J. (Assigned)

B177455 Costanza (Not for Publication)
 v.
 Simon Equipment Co., Inc., et al.

The judgment as to the ninth cause of action for breach of the implied covenant of good faith and fair dealing is reversed. The judgment as to the 17th cause of action for an accounting also is reversed. The case is remanded to the trial court for proceedings on these claims. The judgment otherwise is affirmed. Respondents are to have their costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
 Hastings, J. (Assigned)

B184142 Moatazedi (Not for Publication)
 v.
 Bostajani

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
 Suzukawa, J.

DIVISION FOUR (Continued)

B186951 Antebi (Certified for Partial Publication)
v.
Occidental College et al.

The judgment is reversed as to the cause of action for defamation against Cooper and Occidental College. In all other respects, the judgment is affirmed. Each party is to bear its costs.

Epstein, P.J.

We concur: Suzukawa, J.
 Hastings, J. (Assigned)

B187814 Los Angeles County, D.C.S. (Not for Publication)
v.
Kenya C.

The orders terminating parental rights and denying the section 388 petition for modification are affirmed.

Epstein, P.J.

We concur: Willhite, J.
 Hastings, J. (Assigned)

B181957 People (Not for Publication)
v.
Harris

The convictions are affirmed. The sentence is vacated and the matter is remanded to the trial court to conduct a sentencing hearing consistent with this opinion. After defendant is sentenced, the court is ordered to prepare a new abstract of judgment and forward a copy to the Department of Corrections.

Suzukawa, J.

We concur: Willhite, Acting P.J.
 Manella, J.

DIVISION FOUR (Continued)

B184267 People v. Park (Not for Publication)
B186488 In re Park on Coram Vobis

The order denying the motion to vacate Park's plea of no contest is affirmed. The petition for writ of error coram vobis is dismissed as moot.

Epstein, P.J.

We concur: Suzukawa, J.
 Hastings, J. (Assigned)

DIVISION FIVE

B190165 In re Jevarius P (Not for Publication)
 v.
 Los Angeles County, D.C.S.
 Maria M., et al.,

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

B187781 In re Arnold,. (Not for Publication)
 v.
 The People
 Arnold N.

The judgment is affirmed.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

DIVISION SIX

B190381 Chelsea W. (Not for Publication)

v.

Superior Court of San Luis Obispo
S.L.O. Co. Dept. of Social Services

The petition is denied.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B186448 People (Not for Publication)

v.

Walker

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B189969 Human Resources Agency

v.

Danielle M.
In re Justin M.

Filed order dismissing appeal as abandoned.

DIVISION SEVEN

B180062 Seever (Certified for Partial Publication)
v.
Copley Press, Inc., et a.,

The judgment is affirmed. Post-judgment orders are reversed as to the award of costs of exhibits not used at trial and as to costs awarded under section 998 as expert witness fees. The matter is remanded for further evidentiary hearing in accordance with the views expressed herein. Each side is to bear its own costs on appeal.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

B180881 Matthews-Deaton et al. (Not for Publication)
v.
El Torito Restaurants, Inc., et al.

The order denying the petition to compel arbitration is reversed and the matter is remanded to the trial court with instructions to enter a new and different order severing the unenforceable attorneys' fee and arbitration cost and fee provisions and granting the petition to compel arbitration subject to the severance of these provisions.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B189425 People (Not for Publication)
v.
Arellano

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

B185774 Dixon (Not for Publication)
v.
Dixon

The order of the trial court is affirmed.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

B187987 People (Not for Publication)
v.
Thompson

The judgment of the trial court is affirmed.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

August 15, 2006 (Continued)

DIVISION EIGHT (Continued)

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The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B183799 People (Not for Publication)
v.
Ahumada

The 10-year enhancement added to Ahumada's 25 to life sentence for first degree murder is stricken. As modified, the judgment is affirmed. The trial court is directed to send an amended abstract of judgment to the appropriate prison authorities.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

B182284 People (Not for Publication)
v.
Giaimo

The \$50 laboratory fee and \$85 penalty assessment are stricken. A corrected abstract of judgment reflecting those modifications shall be prepared and sent to the Department of Corrections. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.